

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 27, 2015

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Kevin Morissette, Walter Hill, Sandra Marquis, Paul Madore, Pauline Gudas and Michael Marcotte

Associate Member Present: Normand Ancil and Darcy Reed

Staff Present: David Hediger, City Planner

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:**

- a) An application submitted by Friends of Pettingill Park Neighborhood Association for the creation of a public park on the site of the former Pettingill School utilizing the existing playground and adding pathways, benches, trees and building a pergola for picnics and concerts.

David summarized the project. Bruce noted school was demolished in 2013 not 2008 as noted in staff comments. Ed Walworth, Ann Howard, Mark Lafonte and Don Dostie were present on behalf of the project. Ed referenced the site plan.

Paul asked about lighting. Lights may be provided at a later date; park use to be limited to dawn to dusk. Electrical to the pergola will be buried. Kevin noted to the Board he was involved early in the project when Grow LA was assisting in the design work to bring before the City Council. Michael asked if there would be a conflict and Kevin said no and the Board agreed. Norm asked for clarification on the site plan provided and Don Dostie explained plan references.

There was no public comment.

The following motion was made:

MOTION: by **Michael Marcotte** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses and Article XIII, Development Review and Standards and to grant approval to the Friends of Pettingill Park Neighborhood Association for the creation of a public park on the site of the former Pettingill School at 411 College Street. Second by **Walter Hill**.

Discussion continued.

Paul stated he was still concerned with safety and lack of lighting. David noted not all city parks are illuminated. Pauline noted existing street lighting should be adequate and commended Friends of Pettingill for taking the lead on the park. Darcy noted that additional lighting may or may not stop vandalism. Bruce asked if dogs would be allowed and Ann Howard said yes, on leash only. Michael asked if the code requires lighting and David said only at entrances. Ted provided details on the pergola. Sandy noted the park is planning to celebrate Lenny Breau. Denny Breau thanked the Board and encouraged the importance of arts in the community. Bruce asked about noise and parking and David explained both are requirements of the code and will need to be addressed if violated regularly.

VOTED: 7-0 (Passed)

- b) Postponed from April 13, 2015 - An application submitted by Burns & McDonnell, Eng. on behalf of Central Maine Power Company to amend their existing development review approval and conditional use permit to construct a new above ground 115kV transmission line from a substation to be constructed at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn.

John Kaiser, Gail Rice, Chris Marshall and Katryn Mitchell from Burns & McDonnell were present on behalf of Central Maine Power Company. David read staff comments.

John spoke to railroad safety issues within the transmission corridor. Referenced that if there was a fault in the system (down wire), system automatically shuts in milliseconds. He referenced clearance from any conductors, pole heights, and types and other specific changes. He also referenced EMF studies and the weak link to health impacts and that real estate values should not be impacted based upon these studies.

Paul asked if oil could be transported on line and John said he was unsure and that the posted speed is limited to 25 mph. Paul said he remains concerned with safety and proximity of the transmission line to AmeriGas and the neighbors. He asked what is being done for safety. John said that lines are inspected regularly by air and foot looking for troublesome vegetation. Michael asked for clarification on the speed of which electricity is shut off and John explained shut off is less than one second. Darcy asked for clarification on vegetation inspections. John said about every four years flown for vegetation and foot inspections are not annual but regular.

Public Comment:

Mike Scalia, 44 Cottage Street asked for clarification on speed of power key shut off. He was concerned with the lack of notification and that there was no

time provided to stop the project. He is very disappointed with the lack of public process.

Chris noted there were notifications provided by CMP starting in 2008 and two meetings were held at City Hall. He said more notifications are provided as construction began. Pauline noted her experience with CMP's notice for the line by her house. She said it was easy to miss the notices, having thrown hers in the garbage. David noted notices from the City were provided in 2011 and 2015.

Councilor Leslie Dubois, 588 Main Street said she was contacted by citizens who were concerned and she asked if other routes were considered. John said yes, but utilizing existing corridor/rail lines made more sense. The line must cross the river at some point to get to the Middle Street station. Leslie was concerned with structure failure of poles by AmeriGas. John said poles, if they fail, typically fall in line with lines strung. Leslie asked if they could bury the lines and John said yes, but this is eight to ten times more expensive.

Lincoln Jeffers stated that the City has been working with CMP to increase capacity since 2006. The City and CMP wanted to provide more capacity, PUC questioned the need initially but assisted in providing additional capacity. He said he supports the effort to build capacity downtown for economic development purposes.

Leah Sprague, ombudsman for CMP for the project since 2010, encouraged neighbors to contact her with concerns. Paul and Mike asked for clarification of abutters and David provided a map.

Doug Stone, 8 Bridge Street provided a hand out to the Board and discussed EMF hazards from a health perspective. He noted separation distances recommended for health concerns and that this proposal does not meet them with certain structures. John noted no EMF model was conducted on this line to determine specific health threats like other corridors, but rates will vary. Doug referenced more hazards, was concerned about pole structure failure, and provided diagram used by first responders if propane explosion occurred at AmeriGas. He noted issues with Pan Am being fined in Massachusetts.

Public Comment Closed.

The following motion was made:

MOTION: by **Walter Hill** finds that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses; Article XI, District Regulations; Article XII, Performance Standards; Article XIII, Development Review and Standards and to grant approval to Central Maine Power Company (CMP) for the construction of a new aboveground 115kV transmission line from a new substation at 51 Middle Street north along the Pan American Railway to the

Veterans Memorial Bridge then west across the Androscoggin River to Auburn and subject to the following condition:

The conditional use approval of this project is granted for a two year period to be consistent with expiration of development review approved projects, providing the applicant until April 27, 2017 to start and April 27, 2020 to finish. Second by **Kevin Morissette**.

Discussion continued.

Darcy asked for response distance and health concerns raised by Mr. Stone. John referenced their EMF fact sheet. There is no clear standard established as to what is safe. Darcy asked if the pole height effects levels and John said if the tower is lower, levels may be higher. Doug asked why the need for an extension of approval and John said construction would have begun anyway within initial approval but extension will provide more flexibility. Pauline thanked Doug for the information and referenced all of the EMF products noted in his handout with health risks and her unwillingness to not stop using them. She is in favor of project in effort to move the City forward. Walter noted the Board's jurisdiction is limited to change in pole type from previous approval. He questioned the sources cited by Doug Stone versus the applicant's sources. Walter said he was in favor.

David clarified that Boxer Island is in Lewiston.

Paul said he remains concerned with EMF's and asked if the Board was concerned with aesthetics. He thought they should be. Both studies agree there are EMFs and for safety sake, they should consider burying the line. He said he does not support the current motion.

Michael questioned why other lines are being buried through the downtown versus above and John said they wanted to eliminate the need for easements and utilize City right of ways.

The following motion was made:

MOTION: by **Paul Madore** to amend motion to include the condition to bury the line starting at pole location 12 to the proposed pole location 1 at the Middle Street substation. Second by **Michael Marcotte**.

Discussion continued.

Pauline asked if the motion passes, what's next and John said they would go to PUC for their approval or appeal the Planning Board's approval to PUC not to go underground.

Sandy asked why PUC doesn't like underground and John said it costs too much. John said CMP must get PUC approval to install underground even if CMP wanted to.

VOTE (on the amended motion): 3-4 (Failed, Pauline Gudas, Bruce Damon, Walter Hill, Sandra Marquis opposed)

VOTE (on the original motion): 4-2-1 (Passed, Michael Marcotte and Paul Madore Opposed. (Kevin Abstained))

Paul Madore left the meeting at 7:40 p.m.

Katryn Mitchell provided an update on the underground segment from substation to Strawberry Patch Road, explained conduit construction and must construction should occur at night.

Michael Marcotte left the meeting at 7:45 a.m.

V. OTHER BUSINESS

- a) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

Bruce noted the following meetings:

April 29, 2015	Bus depot meeting
May 13, 2015	MDOT public transportation meeting
May 21, 2015	Build Maine meeting
May 6, 2015	Paradis Park – Dedication

Paul Madore returned at 7:54 p.m.

Normand Anctil was appointed full voting member for Michael Marcotte

VI. READING OF MINUTES: Adoption of the April 13, 2015 draft minutes.

The following motion was made:

MOTION: by **Walter Hill** to accept the April 13, 2015 as presented. Second by **Sandra Marquis.**

VOTED: 7-0 (Passed)

VII. **ADJOURNMENT:** The following motion was made to adjourn.

MOTION: by **Paul Madore** that this meeting adjourns at 7:58 p.m. Second by **Pauline Gudas.**

VOTED: **7-0 (Passed)**

The next regularly scheduled meeting is for Monday, May 11, 2015 at 5:30 p.m.

Respectfully Submitted:



Pauline Gudas, Secretary 